

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/07
Date: 5 November 2007

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Single Judge

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA***

Public Redacted Version

Decision convening a Hearing

The Office of the Prosecutor
Mr Luis Moreno Ocampo
Mrs Fatou Bensouda
Mr Éric MacDonald

I, Judge Akua Kuenyehia, judge at the International Criminal Court (the “Court”);

NOTING the “Decision Requesting the Prosecution to Provide a Formatted Version of the Prosecution Requests of 22 and 25 June 2007 and Convening a Hearing,” issued by the Single Judge on 29 June 2007;¹

NOTING the Warrant of Arrest for Germain Katanga, issued by Pre-Trial Chamber I (“the Chamber”) on 2 July 2007;²

NOTING the “*Ordonnance relative à l’exécution du mandat d’arrêt à l’encontre de Germain Katanga*” issued by Pre-Trial Chamber I on 2 July 2007;³

NOTING the *ex parte* hearing held by the Single Judge in closed session with the Prosecution and the Representatives of the Victims and Witnesses Unit (“the VWU”) on 4 July 2007;

NOTING the “Urgent Request for the Formatting of the Arrest Warrant issued against Germain Katanga”⁴ (“the Prosecution Urgent Request”), filed by the Prosecution on 5 July 2007;

NOTING the “Decision on the evidence and information provided by the Prosecution for the issuance of a warrant of arrest for Germain Katanga”⁵ (“the Decision”), issued by the Chamber on 6 July 2007;

¹ ICC-01/04-355-Conf.-Exp.

² ICC-01/04-01/07-1-US.

³ ICC-01/04-01/07-2-US.

⁴ ICC-01/04-01/07-3-US.

⁵ ICC-01/04-01/07-4-US.

NOTING the “Decision Rejecting the Prosecution Urgent Request and Establishing a Calendar for the Disclosure of the Supporting Materials of the Prosecution Application for a Warrant of Arrest against Germain Katanga”⁶ (“Decision Establishing the Calendar on Disclosure”) issued by the Single Judge on 6 July 2007;

NOTING the “Prosecution’s Request for the Variation of the Calendar for the Submission of a Formatted Version of the Arrest Warrant and Redacted Witness Statements”⁷ filed by the Prosecution on 10 July 2007;

NOTING the “Decision Altering the Calendar for the Submission of Formatted Version of the Arrest Warrant Application and Redacted Witness Statements”⁸ issued by the Single Judge on 10 July 2007;

NOTING the “Submission of Formatted and Redacted Formatted Version of the Arrest Warrant Application”⁹ (“the Prosecution’s Submission of Formatted Versions”) filed by the Prosecutor on 18 July 2007;

NOTING the “Prosecution’s Request for the Variation of the Calendar for Requesting Redactions to Statements or Interview Notes of Witnesses”¹⁰ filed by the Prosecution on 24 August 2007;

NOTING the “Decision of the Prosecution’s Request for the Variation of the Calendar for Requesting Redactions to Statements or Interview Notes of Witnesses”¹¹ issued by the Single Judge on 29 August 2007;

⁶ ICC-01/04-01/07-5-US-Exp.

⁷ ICC-01/04-01/07-7-US-Exp

⁸ ICC-01/04-01/07-9-US-Exp.

⁹ ICC-01/04-01/07-11-US-Exp.

¹⁰ ICC-01/04-01/07-15-US-Exp.

NOTING the “Prosecution’s Amended Application Pursuant to Rule 81(2) and Rule 81(4)”¹² (“the Prosecution Request for Redactions”) filed by the Prosecution on 10 September 2007 in which the Prosecution request authorisation for certain redactions in the statements of witnesses 7, 13 and 14 which were attached to the Prosecution Application for a warrant of arrest;

NOTING the “Information on the Status of the Referrals and on the Assessments”¹³ (“the Registry’s Information on Referrals’ Status”) filed by the Registry on 13 September 2007;

NOTING articles 57, 67 and 68 of the Rome Statute (“the Statute”) and rules 76 to 83 and 121 of the Rules of Procedure and Evidence (“the Rules”);

CONSIDERING the information received by the Registrar concerning the status of the transmission and execution of the warrant of arrest against Germain Katanga;

CONSIDERING the information received by the Registrar concerning the status of the referrals and on the assessments of protective measures;

CONSIDERING that the Prosecution Request for Redactions refers to three witnesses for whom protective measures had already been granted and implemented;

¹¹ ICC-01/04-01/07-17-US-Exp.

¹² ICC-01/04-01/07-18-US-Exp.

¹³ ICC-01/04-01/07-19-US-Exp.

CONSIDERING the recent death of witness 12 as indicated in the Registry's Information on Referrals' Status;

FOR THESE REASONS

DECIDE to convene a hearing *ex parte*, closed session with the Prosecution, the Registrar or his representatives and the representatives of the VWU on Wednesday 17 October 2007 from 13h00 to 17h30;

DECIDE that the agenda of the hearing will be as follows:

- 1) Status of the execution of the warrant of arrest against Germain Katanga;
- 2) Status of the adoption and implementation of protective measures of the following three groups of witnesses referred to VWU: REDACTED
- 3) New calendar to file motion for redactions and to disclose statements concerning witnesses REDACTED;
- 4) New Calendar to file motion for redactions and to disclose statements of witnesses REDACTED;

- 5) Calendar for referral to the VWU concerning additional Prosecution witnesses;
- 6) Unsealing matters concerning documents: ICC-01/04-01/07-1-US, ICC-01/04-01/07-2-US and ICC-01/04-01/07-4-US.

Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Single Judge

Dated this Monday 5 November 2007

At The Hague

The Netherlands